

Practitioner's Docket: 2002DE435

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Franz Xaver SCHERL et al.

Serial No.: 10/533,474

Group Art Unit: 1612

Filed: November 21, 2005

Examiner: Holloman, N.

For: Pesticide Formulations Containing Aloxylated Amines

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop:

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed October 3, 2008, please enter the following election.

Election/Restriction

The Office has restricted the present application under 35 U.S.C. § 121 and 35 U.S.C. § 372. Specifically, the Office states that the Application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The Office has defined the Groups as follows:

Group I, claim(s) 1-11 and 16, drawn to a composition.

Group II, claim(s) 12-15, drawn to a method for controlling weeds.

Furthermore, the Office states, "This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1". The Office has defined the Species as follows:

- 1) a single disclosed compound of formula (I);
- 2) a single disclosed composition form, i.e. concentrate, solid;
- and
- 3) if the composition contains an agrochemical salt, elect a single disclosed salt of claim 11.

The claims are deemed to correspond to the species listed above in the following manner: 1, 7-9 and 11-12.

For examination of this Application, Applicants elect:

Group I which is drawn to a composition, wherein, the substituents and parameters of the compound of formula (I) are defined as follows,

R¹ and R² are independently tallow fatty residue,
a and b are 0,

$y = 2$,
r, s, t, u, v, and w are independently 1 to 400,
sum of r, s, t, u, v, and w is between 1 and 400
(see page 5),

A^1 to A^6 are independently $-C_2H_4-$ or $-C_3H_6-$,

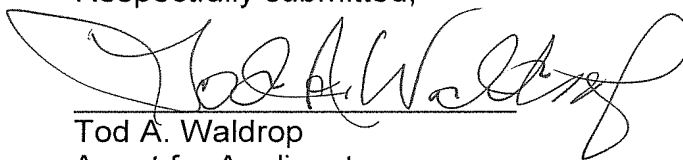
the composition form is according to claim 8,

and if the composition comprises an agrochemical salt this salt is ammonium sulfate,

without traverse or prejudice and reserve the right to resubmit a divisional application on the non-elected species. The claims readable on these species are believed to be Claims 1 - 6, 8, 10, 11 and 16.

It is respectfully submitted that, in view of the above remarks, the restriction requirement is satisfied and the examination of this Application on the merits can now proceed. If the Examiner has any remaining questions, please contact Applicants' representative at the number listed below. Accordingly, favorable reconsideration and an allowance of all pending claims are courteously solicited.

Respectfully submitted,



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